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May 15, 2008

VIA FACSIMILE AND U.S. MAIL

Jeff S Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, N W
Washington, D C 20463

Re: MUR 5982, Chris Jennings for Congress, Christine Jennings for Congress, and
Susan K. Flynn, as treasurer

Dear Mr Jordan

This letter is filed on behalf of Chris Jennings for Congress, Christine Jennings for Congress, and Susan K. Flynn, as treasurer (collectively referred to as "Respondents") in response to the complaint filed in the above-referenced matter by Jan Schneider (the "Complainant"), alleging violations of the Federal Election Campaign Act (the "Act"). For the reasons set forth below, the Complaint is without merit and should be dismissed.

The Commission may find "reason to believe" only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the Act. See 11 C.F.R. § 111.4(a), (d). Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true, and provide no independent basis for investigation. See Commissioners Mason, Sandstrom, Smith and Thomas, Statement of Reasons, MUR 4960 (Dec 21, 2001). Furthermore, the Commission may only proceed with respect to alleged violations that fall within the Commission's jurisdiction.

Because the Complaint alleges no actual conduct by Respondents that violates a statute or regulation over which the Commission has jurisdiction, it should be dismissed.

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Legal Analysis

Complaints to the Commission may only address violations of the Act and chapter 95 or 96 of title 26 See 2 U S C § 437g(a)(1) The Commission has no jurisdiction over violations of other federal laws, and complaints may not properly address these violations to the Commission

Based on its review of reports filed with the Commission, Complainant alleges that Respondents did not timely file payroll taxes due to the Internal Revenue Service and state authorities But even if these allegations were assumed to be true, they would not state a violation of any law over which the Commission has jurisdiction Any allegation related to the payment of payroll taxes is properly under the jurisdiction of the Internal Revenue Service and state authorities – not of the Commission

To the extent the Complaint even tries to allege a violation of the Act, it fails to present any reason to believe The Complaint tries to suggest that Respondents misused campaign funds, saying that Respondents were “illegally using funds for [their] own purposes ” But the Act gives campaign committees wide discretion in the use of campaign funds In general, funds in a campaign account may be used to defray expenses in connection with a campaign for federal office See 11 C F R § 113.2 They simply may not be used “to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate’s campaign ” 11 C F R § 113.1(g) The Complaint offers nothing whatsoever to suggest that campaign funds were used for any purpose not in connection with Christine Jennings’ federal campaigns

The Complaint also tries to suggest that Respondents somehow received illegal contributions through the conduct of their financial activities But again, the Complaint provides no facts to support such a claim It does not allege that any individual employee provided any funds to any committee Rather, it alleges that Respondents failed to use their lawfully-raised funds to meet their tax obligations in a timely manner The Complaint also does not present any facts to show an unlawful extension of credit to Respondents Rather, by documenting the payments made by Respondents to the relevant tax authorities, the Complaint unwittingly shows how Respondents were treated “in the ordinary course of business ” 11 C F R § 116.3(a)

In the end, the Complaint seeks to take old, well-publicized allegations against Respondents that have nothing to do with the campaign finance laws, and recycle them into the dubious product of an FEC complaint Yet however refashioned, they present no violation of the Act Thus, Respondents respectfully request that the Commission dismiss the Complaint and take no further action

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Very truly yours,

A handwritten signature in black ink, appearing to read "Svoboda", with a long horizontal flourish extending to the right.

Brian G Svoboda
Kate Sawyer Keane
Counsel to Respondents